

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTA BARBEOSCH VARELA, Individually
and as Executrix of the Estate of William P.
Barbeosch, deceased

13 CV 3332 (ALC)

NOTICE OF MOTION

Plaintiff,

-against-

DOCUMENT
ELECTRONICALLY FILED

BARNUM FINANCIAL GROUP, Peter Greco,
and George Gerhard III

Defendant.

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PLEASE TAKE NOTICE that, upon the Declaration of Marie O'Dell dated October 25, 2013, the exhibits annexed thereto, and the accompanying Memorandum of Law, Defendant Metropolitan Life Insurance Company d/b/a Barnum Financial Group s/h/a Barnum Financial Group ("MetLife") by its attorneys, Sedgwick LLP, will move this Court at a time and date designated by the Court, before the Hon. Andrew L. Carter, Jr., U.S.D.J., at the United States Courthouse, Southern District of New York, located at 40 Foley Square, Room 435 Courtroom Deputy, New York, NY 10007, for an Order pursuant to FED. R. CIV. P. 12(b)(6) dismissing plaintiff's Amended Complaint in its entirety on the grounds that it fails to state a cause of action for which relief can be granted and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
November 1, 2013

Respectfully submitted,

s/

MICHAEL H. BERNSTEIN (MB-0579)

MATTHEW P. MAZZOLA (MM-7427)

SEDGWICK LLP

225 Liberty Street, 28th Floor

New York, NY 10281-1008

Telephone: (212) 422-0202

Facsimile: (212) 422-0925

Attorneys for Defendant Metropolitan Life

Insurance Company d/b/a Barnum Financial Group

TO:

Thomas More Marrone, Esq.
GREENBLATT PIERCE ENGLE FUNT & FLORES, LLC
123 South Broad Street, 25th Floor
Philadelphia, Pennsylvania 19109
t. 215.735.1600
f. 215.735.1660
Attorneys for Plaintiff

Christopher Pisacane, Esq.
Sichenzia Ross Friedman Ference LLP
61 Broadway, 32nd Floor
New York, NY 10006
Phone: 212-930-9700
Direct: 646-810-0596
Fax: 212-930-9725
Attorneys for Co-Defendants
Peter Greco and George Gerhard III

CERTIFICATE OF SERVICE

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **Notice of Motion** was served **via ECF and Regular Mail** on November 1, 2013, upon the following:

Thomas More Marrone, Esq.
GREENBLATT PIERCE ENGLE FUNT & FLORES, LLC
123 South Broad Street, 25th Floor
Philadelphia, Pennsylvania 19109
t. 215.735.1600
f. 215.735.1660
Attorneys for Plaintiff

Christopher Pisacane, Esq.
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Phone: 212-930-9700
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Attorneys for Co-Defendants
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s/

MATTHEW P. MAZZOLA (MM-7427)